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C O N F I D E N T I A L SECTION 01 OF 02 BAGHDAD 002629

SIPDIS

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TAGS: [IZ](#) [KDEM](#) [PGOV](#)

SUBJECT: UNAMI TECHNICAL ADVISOR LAYS OUT PLANS FOR IRAQ
ELECTION

REF: A. BAGHDAD 2568

[1](#)B. BAGHDAD 1997

Classified By: Acting Political Counselor William R. Roebuck for reasons 1.4(b) and (d).

[1](#)1. (C) SUMMARY: At their meeting on September 22, the head of UNAMI's technical assistance team for elections, Sandra Mitchell, advised Pol/C that the 2005 election law would provide the Independent High Electoral Commission (IHEC) with adequate guidance to carry out elections by January 16, 2010.

Though new legislation would provide better guidance and political cover, Mitchell was confident that IHEC could address constitutional problems in the 2005 election law through regulation. Mitchell seeks to ensure that IHEC adheres to an operational timeline that will result in elections on time. END SUMMARY.

UNAMI Advises Use of the 2005 Election Law

[1](#)2. (C) The head of UNAMI's Electoral Assistance Team, Sandra Mitchell, told Pol/C that the CoR is distracted from passing a new election law, and in her view time is running out for them to pass new legislation (Ref A). She said that her instructions are to help Iraq hold parliamentary elections on January 16, 2010, and that in her view it is too late for Iraq to change from the closed-list system called for in the 2005 election law to an open-list electoral system. When Pol/C reminded Mitchell that Ayatollah Sistani supports open lists, Mitchell replied that former SRSG Staffan de Mistura told her that Sistani would prefer closed-list elections to no elections.

[1](#)3. (C) According to Mitchell, the best option would be for the CoR to pass limited amendments to the 2005 law instead of a new law. She cautioned that UNAMI estimates that the CoR needs a minimum of 21 days to pass a new law or an amended law -- and that at this point, such an effort would exceed the CoR's self-imposed deadline of October 15. As a technical advisor, Mitchell said she viewed the mid-October date as a hard deadline. She predicted to the Pol/C that the CoR's Legal Committee will remain deadlocked until that date, at which point someone -- she suggested UNAMI -- would need to come forward to tell the Parliament that the only option is to use the 2005 election law without amendment.

[1](#)4. (C) When Pol/C raised the question of how to establish voting rules for Kirkuk, Mitchell replied that Kirkuk would not present a problem if IHEC is asked to use the 2005 election law without amendments. She agreed with Poloffs that some politicians are trying to make an issue of Kirkuk, but faulted the procedural rules of the CoR's Legal Committee. Mitchell explained, "as long as the Legal Committee works on a consensus rule, the Sunni Arabs can keep any election law from leaving the committee," whether or not their objections have any real bearing on the draft law under discussion. She said that UNAMI's view is that Kirkuk should

vote along with all of the other provinces, in accord with the Federal Supreme Court ruling issued in July (Ref B).

Without A Law, IHEC Plans Ahead

15. (C) Mitchell has already told IHEC to initiate election preparations using the basic parameters of the 2005 election law. For example, during registration for political entities (parties) in August, IHEC used the rules from the 2005 law. IHEC is also preparing as though elections will be held in multiple districts, as was the case in the December 2005 parliamentary elections. Overall, Mitchell said that basic parliamentary elections. Overall, Mitchell said that basic procurements and logistics are on track at this point in the operational time line. She predicted that IHEC will eventually get the money promised for elections operations, but noted that IHEC has sacrificed relationships with previous election vendors due to its failure to pay tenders on time.

This Will Not Be Afghanistan

16. (C) Mitchell assured Pol/C that unlike Afghanistan, Iraq has a strong network of trained domestic monitors that will ensure the credibility of the elections. As they did for the January provincial elections and the July KRG elections, UNAMI and DRL-funded NGOs will train over 100,000 domestic election observers for the parliamentary elections in 2010. In addition, Mitchell expressed confidence in IHEC's voting

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rules, which require voters to cast ballots at the polling station where their names are listed on the voter registry. Because IHEC workers will tally the ballots at the polling station level, Mitchell explained, administrators can immediately evaluate whether too many ballots have been cast at a polling site. Questionable results from a specific polling can be quickly quarantined for further investigation without affecting overall vote count.

Top Operational Concerns

17. (C) Pol/C then asked Mitchell if she saw any issues or events that could possibly prevent Iraq from holding elections on time in January. Mitchell replied that her top concern is that compressing the timeline for preparations will degrade the quality of the election. For this reason, she is vigorously defending IHEC's operational time line and seeking solutions that will enable timely results. As part of this concern, Mitchell fears that the CoR might try to pass a law later than October 15, or that the CoR might -- after delaying too long -- choose complex electoral rules that are difficult or impossible for IHEC to implement on time. She cited the technical challenges faced by IHEC in fall 2008 when the CoR introduced the hybrid open-list electoral system roughly four months before that election. Mitchell also opined that the July 2009 Kurdistan Region elections lacked sufficient poll worker training, due to IHEC's deviation from its operational timeline when the KRG threatened to add a constitutional referendum to the election date. Finally, Mitchell encouraged the U.S. to show support for the institution of IHEC in the face of recent political attacks. She warned that with the election date nearing, IHEC's operations could be severely affected by the removal of even one IHEC Commissioner.

Comment

18. (C) Mitchell has been embedded as an advisor to IHEC for nearly three years. She is intimate with the institution -- she began her Iraq tour as it was being created in 2007 -- and she has unparalleled insight into the Board of Commissioners, key parliamentarians and many of Baghdad's political elite. Mitchell confided to us that she believes Iraq's national elections will not meet "the platinum standard", but that they will meet UNAMI's standard of "accepted by the people." Mitchell has shown herself to be more than capable of influencing the IHEC and others to deliver a credible electoral outcome by January 2010.
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